

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
JUNE 8-9, 2005**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on June 8-9, 2005, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, June 8, 2005

CALL TO ORDER

Chair Keith Travis called the full Board meeting to order at 9:06 a.m.

ROLL CALL

Present for the meeting were Janice Allen, Dorie Combs, Bonnie Lash Freeman, Tom Layzell, Jeff Mando, Helen Mountjoy, Hilma Prather, David Rhodes, David Tachau, Keith Travis, Janna Vice and David Webb.

ANNOUNCEMENTS

Chair Keith Travis made the following announcement:

- Item XII.B.1, Update on Refocusing Secondary Education Initiative, would be moved out of the Curriculum Committee's agenda to a full board item following Item XI.D, Budget Priorities Discussion.

APPROVAL OF MINUTES

Jeff Mando moved approval of the April 6-7, 2005, and May 17-18, 2005, regular meeting minutes. Helen Mountjoy seconded the motion. At this point, Janna Vice asked that on page 3 of the May 17-18 minutes, that number 1 under the CATS RFP issues section needed to reflect the alignment at the Council on Postsecondary Education/higher education level. Jeff Mando and Helen Mountjoy both agreed to amend the motion and second to include this addition, and the minutes were approved as amended.

REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION

President Tom Layzell indicated that a handout was being presented to Board members that reflected a work plan for the Council on Postsecondary Education in 2005-2006. He explained that the work plan is ambitious and was derived from the Council's public agenda. Layzell noted two items on the work plan that are directly related to P-12 education as being strengthening alignment and focus on teacher education. He emphasized that he and Commissioner Wilhoit had tried to coordinate efforts over the last several years and pointed out that initiatives were also being coordinated with the Education Professional Standards Board. Layzell stated that the pace of this coordination needs to be picked up and said the Council needs to work more closely with the Kentucky Department of Education and the Education Professional Standards Board.

Dr. Layzell went on to say that one of the goals of House Bill 1 is that Kentucky will be at least at the national average of educational attainment by 2020. He indicated that we are now ten years from 2020 and said that the marker for gauging the attainment of these goals is looking at the number of baccalaureate degrees earned in the general population. He emphasized that in order to make the 2020 goal, the number of baccalaureate degrees in Kentucky must be doubled from 400,000 to 800,000. Layzell felt that this would be a huge burden on all constituents involved but stated it must be accomplished. He commented that all parties involved must do a better job in communicating what it's going to take funding-wise to accomplish these ambitious goals.

REPORT FROM THE PRE-K TO 16 COUNCIL

Bonnie Lash Freeman indicated that the Council had not met since the Board's last meeting and noted that the next meeting would be June 22, 2005. Chair Keith Travis added that the Kentucky Board of Education's appointments to the Pre-K to 16 Council for the coming year would be Dorie Combs as chair of the Council, David Rhodes and Bonnie Lash Freeman. He then asked for a motion and second to approve those appointments. Janna Vice moved to approve the Pre-K to 16 Council appointments and Helen Mountjoy seconded the motion. The motion carried.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Wilhoit reported the following items:

- Regarding the nonacademic data release, the graduation rate is up with five schools having a 100% graduation rate. He indicated that progress on this indicator is improving but said there is still a ways to go when once considers all schools.
- Relative to the dropout rate, this statistic needs to be eliminated entirely. The noncognitive data report had mixed news. The dropout rate continued to decline as an overall trend but there are still differences in certain parts of the student population. Males drop out at a higher rate than females, and African American

and Hispanic dropout rates went higher. This is an issue related to certain districts and a matter of targeted intervention.

- The retention rates for ninth grade are still a major issue. Retention spikes at ninth grade and eventually turns into dropouts. The ninth grade academies adopted by school districts are very positive intervention strategies to help with retention rates.
- If one looks at the dropout rate by grades, there are virtually no dropouts at grades 8 and 9, but the greatest figure shows up at the 11th grade. A lack of credits builds up with these students by then and results in the loss of the investment of eleven years of education.
- Retention spikes at the ninth grade and interventions need to be focused between grades 8 and 9 and grades 9 and 10.
- Overall, there are no huge shifts in any of the noncognitive indicators.

David Tachau asked the Commissioner to discuss the issues around ninth grade retentions.

Commissioner Wilhoit stated that it is clear we have a number of students entering the ninth grade environment without the prerequisite skills for success. He noted that this is the first point at which the students must pass incremental steps to be successful. Wilhoit went on to say that these students cannot read at the level needed for high school and their mathematics skills are not at the entry level for high school. He noted that these students are getting lost and emphasized that we need to pay more attention to the individual needs of students.

President Tom Layzell added that the first to second year retention rate is 70% for higher education and the graduation rate is 45%. He noted that this is really a systemic problem across educational levels.

Helen Mountjoy commented that she was excited about the high school restructuring plan but was also concerned about those schools that are losing as many students as they are graduating. She stated that many of these schools did not qualify for a highly skilled educator but need immediate intervention.

Commissioner Wilhoit agreed with Ms. Mountjoy's statements and shared that he is beginning to observe some schools that have been resistant to the state's efforts to work with them. He felt there might need to be some new ways to intervene in hard-core situations.

David Tachau thought that the specific kind of intervention needed should be identified and the topic should be put on a future Board agenda.

Hilma Prather pointed out that if the problem is manifesting itself at grade nine, it probably exists prior to that grade level. She felt strongly that in the discussion of high schools, what is happening in the middle schools should be included.

Commissioner Wilhoit then continued his report as follows:

- A Southern Regional Education Board (SREB) report is out that focuses on early childhood/readiness. Staff will make sure that Board members get a copy.
- SREB has sixteen member states and it pushes those states to move forward and make progress on educational issues.
- The report presents some challenges that will come back to the Board at a future meeting.
- Pressure is being exerted to lower standards due to lack of funding. In the report, it indicates four things must be done. These are: offering early childhood education to all children, making sure states hold on to quality standards, making sure all children have readiness screenings and making sure that vaccinations/health services are available.

GOOD NEWS FROM SCHOOLS/DISTRICTS

The following items of good news were shared with the Board:

- Helen Mountjoy offered congratulations to Graves County High School's Journalism Program for being judged the best overall in the state. She shared that the program was selected for the Grand Champion Award at the Kentucky High School Journalism Association state competition on May 4 in Louisville. Mountjoy stated that Graves County High School placed first in the broadcast division among class AAA schools and third in the yearbook division as well as tying for third in the newspaper division. She commented that the competition is co-sponsored by the Kentucky Press Association and Kentucky Broadcasters Association.
- Janice Allen offered congratulations to Pike County Superintendent Frank Welch for receiving an Annual Partnership Award from Morehead State University for his work with the P-16 Council. She stated that Superintendent Welch was a base member of the P-16 program, which is designed to examine issues that students face as they make the transition from high school to college. Allen shared that some of the programs started by the Council include the Middle School Reading Academy, the Primary School Reading Academy and the Future Educators of America Program. Additionally, she said the Pike County School Board agreed to a dual-credit system with Morehead State to give students a head start on college credit. Ms. Allen noted that Welch's cooperation and support were given as reasons for the success of the P-16 Council's efforts.

- Jeff Mando shared that twelve teams from Northern Kentucky schools that participated in the state Odyssey of the Mind Competition will go on to the world finals in Colorado. He explained that teams in the competition picked one of five competitive problems, which are either technical or artistic in nature, to solve over a period of weeks or months. Mando offered congratulations to New Haven Elementary in Union (two teams qualified), Holmes High School in Covington, Dixie Heights High School in Ft. Mitchell, Gray Middle School in Union, Turkey Foot Middle in Ft. Mitchell, Ryle High School in Union (two teams qualified), Simon Kenton High School in Independence, Beechwood High School and Beechwood Elementary in Ft. Mitchell and Immaculate Heart of Mary Elementary in Burlington.
- David Rhodes noted that for the third consecutive year, Sheldon Clark High School's Jobs for Kentucky Graduates program returned from the Jobs for Kentucky Graduates State Career Development Competition in Lexington as the first place overall state chapter champions with sixteen Jobs for Kentucky Graduates individual state champions. He asked that the Board join him in congratulating Martin County's Sheldon Clark High School on its third consecutive win.

BOARD MEMBER CONCERNS

Helen Mountjoy noted that this summer leaders of two partner organizations will be retiring and asked that the Board recognize Charles Vice of the Kentucky Education Association and David Keller of the Kentucky School Boards Association for their outstanding work and cooperation with the Board. She requested that letters be sent to them thanking them for their years of service and wishing them well in their retirement.

David Rhodes then asked how growth is determined in school districts as related to new construction. He felt the Board may need to look at cases where growth may not justify new construction.

Mr. Rhodes went on to state his concern about attendance rates after CATS testing. He requested to get some data on this matter.

Another concern of David Rhodes was the gender gap issue. He asked to see a history of data on this particular problem.

KDE EMPLOYMENT REPORT

Chair Travis noted that in the Board members' meeting folders, a handout can be found that gives the history of minority employment over several years within the Department. Commissioner Wilhoit pointed out that many of the Board members know Roger Cleveland and said that he has taken a job at Morehead State University. The Commissioner acknowledged Cleveland's wonderful contributions to the Kentucky Department of Education. Chair Travis went on to say that he and the Board thank all staff for their hard work.

DECISIONS REGARDING THE ASSESSMENT REQUEST FOR PROPOSALS (RFP)

Chair Keith Travis noted that Bonnie Lash Freeman and Hilma Prather will be the Board's representatives to review the RFP and make sure it reflects the parameters approved by the Board.

The following points were made during the discussion on the RFP:

- The new test design will continue 100% coverage of core content.
- In the review of the vendor's proposals submitted in response to the RFP, staff needs to make sure that the multiple-choice questions purported to measure higher order skills actually do so.
- Due to the response from the arts community, at least one open-response has been added back into the Arts and Humanities assessment and the number of multiple-choice questions has been increased.
- The Individual Graduation Plan (IGP) will be used to provide the vocational skills focus.
- Work on the IGP needs to back up prior to eighth grade and counselors must be assisted with their development of IGP's. Some type of quantification needs to accompany the IGP strand.

At this point, Commissioner Wilhoit asked the Board if the ten points in Attachment A titled "Kentucky Board of Education Assessment Directions" were an accurate representation of the Board's instructions from the retreat. The Board by consensus agreed that these statements were accurate.

Commissioner Wilhoit went on to explain that the Department of Education cannot release the RFP for the Board to review until after it is released to vendors. However, he noted that two of the Board's members are on the committee to review the RFP prior to its release. Relative to the evaluation bid process, Commissioner Wilhoit said that in the last RFP process, two review committees reported to an Executive Committee (Technical Review Committee and Cost Evaluation Committee). He continued that the Executive Committee makes recommendations to the Board on the awarding of the contract.

The discussion then moved on to the new model for testing that was being recommended by Kentucky Department of Education staff. Deputy Commissioner Linda France indicated that this new model reflected the guidance suggested by the National Technical Advisory Panel for Assessment and Accountability (NTAPAA). She made the following comments about the new model:

- Testing time was reduced to hopefully bring it within reason. NTAPAA felt there were too many open-responses and multiple-choice questions in the Department's prior proposal relative to the amount of content covered. At their recommendation, one more open-response was removed and four pre-test items were dropped in reading, mathematics, science and social studies. NTAPAA questioned why staff was proposing two reading and two mathematics assessments at the end of primary. Thus, at their recommendation, the Department has reflected the norm-referenced test being given in the fall as a diagnostic component. If this can be embedded, two assessments will not be necessary.

The following points were made during the discussion on the new model for the CATS assessment:

- One of the points from the ongoing Office of Education Accountability study on CATS is how much time is spent preparing for CATS. Perhaps some inquiry could be made with school districts on the kinds of tests they are giving in an attempt to try to relieve the testing burden.
- When one looks at the tests districts give, the question should be asked why the districts are giving these tests. Also, we need to think about whether the changes the Board is making will yield the data needed for continuous improvement and focus on the individual.
- The diagnostic assessments will get information back to the schools quickly. However, the reports themselves need to be improved to help teachers to have better feedback tools. Vendors need to be asked to address this in their proposals. Also, support tools will be a necessary part of the system.
- Assessment tools are used for different purposes and Kentucky's system is designed so schools can say they are doing well or are not doing well overall. The system will give clues on how students are doing and when one looks at this in combination with grades and other factors, teachers can make individual judgments. The new test will have more individual measures built in but it is difficult to have any one measure that does everything.
- When one looks at the health education items in Core Content much of that will be moved to a wellness plan approach along with physical education.
- When one examines the proposed changes, huge progress has been made. More changes in the future need to be made in Arts and Humanities and Practical Living/Vocational Studies, but Kentucky is one of the few states that even attempts to cover and assess these areas. Staff has been as responsive as they can be to testing time concerns and still take a comprehensive look at content coverage. The Board should remember too that the contract is for two years and then additional changes can be made. NTAPAA recommended one prompt for on-demand writing when given in combination with multiple choice items

focused on grammar and mechanics. They looked at this as a package with the multiple choice questions being the application of editing and revision skills. Additionally, NTAPAA thought that asking elementary and middle school students to produce two well-developed pieces for on-demand writing was an incredible cognitive task. Concern was still expressed for fifth grade teachers feeling overwhelmed and on total testing time.

At this point, Hilma Prather moved to accept the Kentucky Department of Education recommendations for changes to the CATS assessment system that were presented to the Board today and Dorie Combs seconded the motion. Before voting on the motion, concern was expressed that vocational studies and practical living were separated into two areas and that it would marginalize one group of teachers. Commissioner Wilhoit suggested that practical living/vocational studies be combined back into one column and that the occupational skills standards system be part of that assessment.

Another point was raised about the absence of testing in the ninth grade. The Commissioner responded that end-of-course assessments were not reflected on the chart.

One more point was made that the tenth grade diagnostic predictor examination actually needs to occur earlier. It was suggested that the RFP could give options on when to give this test.

Then, Hilma Prather and Dorie Combs agreed to amend their motion to combine practical living/vocational studies back into one column and offer options to give the diagnostic predictor test earlier than grade 10. The question was called and the motion carried.

Before moving to the next agenda item, Commissioner Wilhoit cautioned Board members not to interact with testing vendors in order that none of them can claim unfair advantage. The RFP will be put in writing and released to all parties at once in order to be as fair as possible. He stated that the RFP will be on the streets by August with a decision on awarding the contract by January. He assured the Board that staff will come back with a recommendation before any decision is made on the awarding of the contract.

PRESENTATION OF THE DR. SAMUEL ROBINSON AWARD

Chair Keith Travis presented the 2005 Dr. Samuel Robinson award to Dr. Robert Smotherman, Bardstown Independent Superintendent. Reasons that Dr. Smotherman was selected included:

- During the last two testing cycles, the achievement gap between the white population and their African American counterparts has essentially been eliminated at Bardstown High School through Dr. Smotherman's team approach to leadership.
- Under his guidance, the district became the first in Kentucky to create a private educational foundation to raise money for its schools.

- The district was also the first to offer preschool to four year olds without regards to economic or special education status and then later added the same opportunities for three years olds.
- Bardstown Independent was the first district to adopt the year round calendar for all grades.

Following the award presentation, a luncheon was given in Dr. Smotherman's honor. Dr. Samuel Robinson was present to witness the award presentation and participate in the luncheon.

CLOSING ACHIEVEMENT GAPS IN KENTUCKY'S SCHOOLS AND PROPOSED PLAN FOR CLOSING THE ACHIEVEMENT GAP FOR STUDENTS WITH DISABILITIES

Present for the first part of the presentation on closing the achievement gaps in Kentucky's schools were Associate Commissioner Stephen Schenck and the five achievement gap coordinators as follows: Michael Dailey, Sue Davis, Gary Perkins, Louise Byrd and Kay Brown. Associate Commissioner Schenck emphasized that the work of the achievement gap coordinators requires many partnerships. He then asked Gary Perkins to talk about some of the services offered by the coordinators.

Mr. Perkins shared the following work of the coordinators:

- Needs assessments are provided and given in schools. Existing services are looked at, such as educational cooperatives, in order to form partnerships for professional development and other services.
- The Instructional Support Network was started last year by the Kentucky Department of Education and was given the charge to work with district persons in the network.
- The School Improvement Network was formed in the southeast region and many districts are hiring their own coordinators.
- Achievement gap coordinators make sure that when professional development requests come to them, a resource bank exists from which districts can select.

Michael Dailey then continued the explanation of work done by the achievement gap coordinators as follows:

- It has taken networks and partners to deliver services as needed and these are in place statewide.
- The achievement gap coordinators know that the gap is pervasive across groups and that it is growing.

- The Educational Development Collaborative is in place and contains all cooperatives and universities across the state. One of the focuses of this collaborative is achievement gaps and not just low performance.
- Effective school planning is one of the professional development offerings to participants in the Educational Development Collaborative. Barriers are an issue and planning can help to address this.
- A guided self-study, which is an abbreviated school audit, is offered to schools and helps them focus on areas for planning. It takes the additional step of the faculty sitting down together to determine the next steps required for progress to occur.
- Consistent findings in the self-study relate to culture, leadership, effective instruction and access to a rigorous curriculum.

A discussion ensued about those schools that don't feel a sense of urgency or are not inviting the achievement gap coordinators in to help them. Board members felt that at some point a method must be figured out about how to say to schools that their achievement level is not acceptable and must be changed. Chair Travis thought the Board might be able to help with a communication to those schools. Board members were also troubled that teachers come into schools without the skill sets necessary to tackle the achievement gap issue.

Appreciation was expressed by the Board for the time given to the presentation and assurance was given to staff that the Board would look for opportunities to help them in their achievement gap work.

At this point, the discussion moved on to the other portion of the item relative to the proposed plan for closing the achievement gap for students with disabilities. Executive Director Phil Rogers from the Education Professional Standards Board indicated that from a survey his agency did, teachers reported they needed assistance in developing assessments for special needs students and designing instruction for them. He said that the survey also indicated help was needed with communicating assessment information to parents and students. Rogers went on to say that one-half of those teachers classified as not being "highly qualified" are special education teachers.

Helen Mountjoy asked what kinds of changes need to happen within certification so that regular education teachers have the skills for collaborating with special education teachers. Mr. Rogers responded that this is a critical issue along with the fact that special education teachers are not prepared to be collaborative teachers.

Associate Commissioner Johnnie Grissom noted that the special education and teacher education chairs from colleges and universities now meet as a group with staff from the Education Professional Standards Board and the Kentucky Department of Education to discuss issues such as the ones being raised today. Grissom then moved on to the plan for closing the achievement gap for students with disabilities and referenced pages 28

and 29 in the Board's Agenda Book that dealt with recommendations. She stated that the recommendations were as follows:

- Rigorous curriculum/effective instruction/ongoing assessment
- Teacher quality and certification
- Identification and placement
- Accountability
- Leadership/culture

David Tachau then thanked Johnnie Grissom and her staff for putting the plan together and reemphasized that he is interested in moving forward with many of the plan's pieces. However, he questioned who has the ownership of this initiative.

Commissioner Wilhoit responded that once the Board gives staff a general direction, a management plan will be put into place. He explained that the plan sets the stage for quality actions by the Board. In addition to the policy actions, Commissioner Wilhoit cited other items that must take place as follows:

- A communication plan is needed that will offer ways for information to come through on a regular basis.
- An intervention policy must be crafted in order to reach more students. This will include an early warning system to schools on what will happen based on certain criteria.
- Partnerships must be identified and a determination must be made on who has the authority in which areas.
- The way to deal with special needs students and achievement gap students must be redesigned.

At this point, Chair Travis asked that the work on the achievement gap for students with disabilities and the work on the overall achievement gap be rolled together into one document that would come back to the Board in August.

FOLLOW-UP DISCUSSION FROM RETREAT ON 2005-2006 KBE PRIORITIES

Commissioner Wilhoit began this topic by indicating that beginning with the August Kentucky Board of Education meeting, Phil Rogers would be giving a report on Education Professional Standards Board work related to the Board's five priorities. The Commissioner went on to say that the document sent to the Board on its new priorities was prepared in one week and structured to explain why each area is a priority followed

by an indication of where work needs to go. He noted that the conversation on achievement gaps today would refine the work in that area. Wilhoit continued that work on the priorities would be laid out over the next few Board meetings. He asked if the document captured the intent of the Board on the five priority areas. He asked that input come to him by email or by calling him. He assured the Board that staff will continue to monitor and refine work in the priority areas and said that considerable time would be set-aside over the next two meetings to discuss each one.

BUDGET PRIORITIES DISCUSSION

Deputy Commissioner Kevin Noland indicated that Associate Commissioner Robin Kinney would outline the timeline and procedures for preparation of the budget. Associate Commissioner Kinney explained that staff will get budget instructions in July and must then have the Department's budget request to the Governor's office and to the Governor's Office of Policy and Management in October. She indicated that spreadsheets were being passed out to Board members showing how dollars are currently distributed.

Commissioner Wilhoit then noted that the Department has an established budget and trying to merge the new initiatives into this established budget would be difficult. He explained that in two Board meetings after the current one, a finalized budget must be approved. Wilhoit said that staff will take the five priorities and consider their cost implications for a presentation at the August meeting.

Board members had the following comments relative to budget preparation:

- Staff needs to look at where the dollars are being used and determine if they are being used for the best purpose.
- The flexible focus fund used in the last budget cycle was a good approach and might be considered again.
- A time to promote the priorities and budget proposal to the Governor's office and legislature must be determined.

Commissioner Wilhoit closed the discussion by saying in August, staff will come back with specific budget recommendations that align with the five priorities and follow-up to the request for a meeting with the Governor and legislative leaders.

UPDATE ON REFOCUSING SECONDARY EDUCATION INITIATIVE

Division Director Linda Pittenger introduced Andrew McCormick and Meredith Geers, seniors from North Oldham High School, who conducted focus groups in the Pike County, Graves County, Warren County, Fort Thomas and Kenton County Schools on the kind of high school students need. Some of the key themes from the focus groups shared by Andrew and Meredith were as follows:

- Structuring the CATS test more like the SAT or ACT would benefit Kentucky's students by promoting a higher level of learning and familiarizing them with an important test format.
- Student incentives, such as KEES money for high-scoring students, would remove some of the burden from high schools.
- Because finding guidance counselors is becoming an increasingly difficult task, schools should utilize numerous advisors who will be able to devote time and attention to students.
- Teachers also need to be brought into the mix. By familiarizing themselves with the complexities of college applications, etc., teachers will be able to be even more valuable resources to their students.
- Students need more options in terms of college credit and foreign language courses. These courses should be offered in an effective classroom environment.
- Students almost invariably supported block schedules similar to North Oldham's, which employ five classes each semester, for a total of ten classes per year. This is successful because North measures performance against standards, awarding credit for performance, not seat-time.
- Classes in high demand should be offered in more than one block, to suit the needs of every student. Independent studies should not be left out of the question, further enabling every student to build the transcript he or she wants.
- While it would be dangerous to hold all students to high standards in all types of writing, it would be helpful for college-bound students if the writing portfolio were refined and personalized to include more relevant styles of writing like essays and research papers.
- Kentucky must ensure that each school offers a breadth of elective options that include in-depth courses. These courses should expand on ideas in both the related arts and core-subject curricula.
- Senior projects and internships are great examples of how to ensure that students will be passionate about their studies. The idea is to give as many students as many opportunities as possible.
- Individual Learning Plans should be implemented as an effective tool for students and counselors to ensure that every student receives a personalized education that is best suited to their individual needs.
- Plans will have to be comprehensive, charting a course that brings in everything from classes to extracurricular activities to the writing portfolio.

- The Plans should be the result of collaboration between a student and his or her advisor, with whom they have a meaningful relationship.
- While there is no set way of doing this, every high school should implement a system of core requirements that will ensure the mastery of important subjects by all of Kentucky's students.
- Kentucky needs to do everything it can to find those teachers and those administrators who will be devoted to providing students with the best high school experience.
- Deliberate and effective transitions must be created between the middle schools and the high schools in every county throughout Kentucky.
- Material covered in the freshman year of high school should be a direct continuation of the concepts learned in middle school. New concepts should be introduced only when students have the background needed to understand these new concepts.
- Middle and high school curricula must be carefully compared to ensure that the freshman year continues middle school concepts.
- A middle and high school in close proximity that have a common identity and work together to see every student through to the end are especially indicative of a strong transition into the high school years.
- It's important for schools to foster connections between middle and high school students. Mentor programs are especially effective in creating meaningful relationships between students of different ages, something that is empowering to younger students.
- The common school identity generates support for the entire campus throughout the community. This community support creates an environment in which students feel valued and therefore, desire to stay in school.

Linda Pittenger then moved on to the work plan/timeline for guiding the refocusing secondary effort and also to the policy questions on page 65 and 66 of the Agenda Book. She asked for input from the Board on these items.

Board members shared the following advice:

- A timeline is the strong part of the plan; however, more focus needs to be given to developing relationships beyond just the IGP.

- The student advocate model is a strong one that schools and districts need to have available to them.
- The actions that could be taken by the Kentucky Board of Education to enable changes in schools to occur must be a part of this initiative.
- Often, motivated young teachers are given the most difficult students and the Board needs to see if it can impact this.
- A public information campaign on refocusing secondary education must be launched and the legislative branch must part of this outreach.
- The initiative must also look at middle schools as being responsible for having students ready to enter high school.
- The Board feels a sense of urgency for this work to move forward.

CURRICULUM COMMITTEE MEETING

Action/Consent Items

1. **Certification of Non-Public Schools.** Committee Chair Dorie Combs indicated that non-public schools go through an accreditation process conducted by one of the approved agencies before being submitted for approval to the Kentucky Board of Education. Hilma Prather then moved approval of all submitted schools and Bonnie Lash Freeman seconded the motion. The motion carried.
2. **Non-Public Preschool and Kindergarten Voluntary Recognition Process.** Chair Combs reported that this amendment to the non-public preschool process will align the process with what is occurring in public elementary schools. Hilma Prather then moved to approve the amendments to the non-public preschool and kindergarten voluntary recognition process and Bonnie Lash Freeman seconded the motion. The motion carried.
3. **Appointments to the State Textbook Commission.** Dorie Combs indicated that the terms of some members are ending with some being re-appointed and one completely new person being appointed. Branch Manager Tricia Bronger reported that there were over 100 applications for these positions. She also said that the 2006 cycle will be devoted to language arts followed by social studies and then science. At this point, Janna Vice moved approval of the appointments to the State Textbook Commission and Hilma Prather seconded the motion. The motion carried.

Review Items

1. **Update Regarding District Implementation of Kentucky Secondary GED Program.** Consultant Jennifer Carroll stated that staff is pleased with where the program stands at present and said four districts are currently implementing a secondary GED program. She emphasized that the number of students served is small and said there is a variation on where the programs are housed. Carroll reported there to be a vast array of credit-bearing opportunities for students in the secondary GED programs. She noted that Laurel County and Bardstown Independent needed to be added to the list of districts that are planning implementation for 2005-2006. Carroll explained that schools currently offering the program still cannot allow students to sit for the GED test until the Adult Education regulations are finalized. She shared that the regulations are anticipated to be finalized and effective by the end of September. Carroll stated that if students start testing next year, data will be available for the Board to review by the end of the 2005-06 school year. She said a follow-up report can hopefully occur next June.

Thursday, June 9, 2005

SPECIAL STUDY SESSION ON SPECIAL EDUCATION

Associate Commissioner Johnnie Grissom and Director Barbara Kibler appeared before the Board to conduct the special education study session. They began by going through the steps necessary for a student to receive special education services. The following comments/concerns were made by Board members:

- Staff was requested to compose a chart for the Board showing what paperwork is required by the State and what paperwork is required by the Federal level.
- Over-identification of students for special education is a concern. Staff was asked to look at the relationship of the percent of special education students to per capita income.
- When looking at revising the special education regulations due to new requirements approved at the Federal level, the Board will have to wrestle with the conflict of expediency versus what is best for students.
- Staff was asked to send the Board the guiding principles that were followed the last time that the special education regulations were amended.
- Staff was asked to look at what other states are doing in response to the new Federal requirements and to apprise the Board of that information.
- Teacher turnover impacts special education plus emergency certified teachers.
- Collaboration works but it requires extensive professional development to be effective.

Barbara Kibler then presented the Board with a handout that identified areas for potential change to Kentucky's special education regulations in response to new Federal requirements. She explained that questions are already going to constituency groups across the state and their responses are being tabulated. Kibler noted that the Federal level indicated their new regulations would be out in May, but she reported these had not yet appeared. Kibler noted that when they are released, it will be in draft form, and she commented the Federal regulations would probably be final by December.

ASSESSMENT COMMITTEE MEETING

Action/Discussion Items

1. **Revisions to Assessment Regulations to Align the School Reconfiguration Notice Deadline to Coincide with earlier release of scores and to incorporate additional NCLB provisions from USDOE.** Director Rhonda Sims reminded the Board that four proposals were contained in the staff note for their consideration. She summarized the proposals as follows:

- Change the school reconfiguration notice deadline to align with earlier release of scores;
- Use multi-year averaging for calculating participation rate as allowed by NCLB;
- Use multi-year averaging for the annual measurable objective in reading and mathematics; and,
- Consider other options for calculating the other academic indicator for elementary and middle schools.

Relative to the fourth proposal on the other academic indicator, Sims stated that staff first came to the Board with a suggestion that it be attendance. Subsequently, she said, the Board asked for a different option that was an academic measure that gave value to all subject areas. She explained that with this new option, the data will still have to be lagged unless the Board wants to put an additional focus on reading and mathematics. Sims stated that staff is proposing the Board look at the assistance category and if the school is in assistance, it does not make Adequate Yearly Progress. She went on to say that the proposal was discussed with the School Curriculum, Assessment and Accountability Council (SCAAC) and with the Local Superintendents Advisory Council (LSAC) and reported that SCAAC supported the proposal along with LSAC. However, Sims said that LSAC offered a suggestion for additional language.

Hilma Prather expanded on LSAC's request and said the group could support the proposal if language could be added for a "gain indicator" or "growth index" as a means to determine if a school in assistance meets Adequate

Yearly Progress. She asked the committee if they wished to consider this suggestion and by consensus the committee responded affirmatively. Chair Prather then asked staff to bring back proposed language to accommodate LSAC's proposal by the afternoon.

At this point, Jeff Mando moved to approve the amendments to all of the regulations as described in the staff note, with the caveat that language for Proposal 4 be drafted to meet the request by the Local Superintendents Advisory Council for inclusion of a growth measure and that it come to the full Board this afternoon. Helen Mountjoy seconded the motion and it carried.

MANAGEMENT COMMITTEE MEETING

Action/Consent Items

1. **District Facility Plans: Butler, Bourbon, Calloway, Owsley, Powell, Russell and Whitley Counties and East Bernstadt and Ludlow Independents.** Committee Chair Jeff Mando asked staff if there was any unusual information about these plans and staff indicated none existed. Thus, Janna Vice moved approval of the submitted facility plans and Janice Allen seconded the motion. The motion carried.
2. **District Facility Plan Amendments: Bardstown Independent and Jefferson County.** Director Mark Ryles indicated that the facility plan amendments were routine in nature. David Webb asked if consistent standards for architects exist so that there is some standardization from district to district. Associate Commissioner Kyna Koch indicated that the General Assembly has asked for a study on this issue. At this point, David Webb moved approval of the submitted facility plan amendments and Janice Allen seconded the motion. The motion carried.

Action/Discussion Items

1. **Certified School District Eligibility to Participate in the Urgent Needs School Trust Fund (For Facilities) to the School Facility Construction Commission (SFCC).** Committee Chair Jeff Mando explained that the Board must certify school districts' eligibility in order to participate in the Urgent Needs Trust Fund. He noted that House Bill 267 provided language requiring this approval by the Kentucky Board of Education. He clarified that schools are not obligated to accept the offer. Director Mark Ryles added that all of these projects are aligned with the districts' long-range plans. At this point, Janna Vice moved approval to certify the named school districts for eligibility in the Urgent Needs Trust Fund and Janice Allen seconded the motion. The motion carried.

2. **Kentucky Education Technology System (KETS) FY06 Unmet Need for LEAs.** Associate Commissioner David Couch clarified that the Board is approving the unmet need and not the actual dollars to go to the school districts. Couch also noted that the local match is a good concept, but commented it is difficult for districts to meet because technology is not fully funded. He explained that in August, staff will present the KETS budget and noted that the gap is growing larger between available dollars and the unmet needs.

Committee Chair Jeff Mando indicated that when the Board talks about its budget priorities, this needs to be included in the conversation. Then, David Rhodes moved to approve the KETS FY06 Unmet Need and Janna Vice seconded the motion. The motion carried.

3. **702 KAR 5:080, Bus driver qualifications, responsibilities and training (Final).** Committee Chair Jeff Mando indicated that LSAC suggested a change on page 9 of the regulation, line 16, where the word 'one' would be changed to 'a person'. He noted that staff concurred with this change. At this point, David Rhodes moved to give final approval to 702 KAR 5:080 to include the change requested by LSAC and David Webb seconded the motion. The motion carried.

4. **Kentucky High School Athletic Association (KHSAA) Board of Control Appointment.** Committee Chair Mando indicated that Board members should have received a separate packet outlining the process used to bring a recommendation to the Board and indicating the candidate recommended by the Commissioner. Michael Dailey explained that the process approved by the Board for this purpose was followed. Chair Mando announced that the Commissioner recommended Dr. Stephen Parker and asked if questions existed.

David Webb asked for the rating criteria to be sent to Board members and staff agreed to make this available. At this point, David Webb moved

approval of the appointment of Dr. Stephen Parker and Janice Allen seconded the motion. The motion carried.

Review Items

1. **Status Report on Title IX Deficiencies for Schools Audited During the 2004-2005 School Year.** Brigid DeVries and Larry Boucher from the Kentucky High School Athletic Association (KHSAA) were present. Ms. DeVries indicated that KHSAA is continuing with the Title IX audit process and said this was the sixth year of the project. Mr. Boucher added that KHSAA staff was on the campus of 30-35 schools and noted that the cycle is now beginning over. He noted that staff is looking to see if the problems noted the first time have been corrected.

Committee Chair Mando said he went through the report and had hoped that the initial deficiencies were cleared up. However, he said his review produced some concerns, such as in Breathitt County the dollars still being skewed toward boys' athletics. Mr. Boucher replied that staff is dialoguing with Breathitt County and explained with the travel of the football team, the data becomes skewed.

Mando continued that KHSAA needed to tell Breathitt County that the Board is not happy with girls being short-changed. He also noted problems in Hickman and Lawrence Counties. Mr. Mando summarized that he was not expecting these types of things to still exist in the second round of audits and emphasized that fines need to be levied to send a message that these types of inconsistencies are not acceptable. He also asked for a report at the next meeting at which Title IX activities are updated to see if these types of problems have been resolved.

2. **702 KAR 6:090, Minimum Nutrition Standards for Foods and Beverages available on public school campuses during the school day.** Chair Jeff Mando noted that this regulation is a review item in order to get feedback for staff so that changes can be made before it is brought back in August for possible action. He clarified that it does not require approval in August because there is no timeline for adopting a regulation by a date certain. Chair Mando asked to have staff speak first followed by Alicia Sells of the Kentucky School Boards Association, who had asked to address the Board on this topic. Mando also noted that the LSAC letter addresses the proposed changes to this regulation.

Director Paul McElwain indicated that the statute on this topic becomes effective June 20, 2005, and noted that the language in Section 4 (1) requires the Kentucky Board of Education to promulgate a regulation. He stated that the draft regulation is based on the requirements of the statute. McElwain said the sections of the draft regulation deal with the following issues:

- Section 1 – Beverages in elementary, middle and high schools
- Section 2 - Food items in elementary, middle and high schools
- Section 3 - Ala carte items
- Section 4 - The local district nutrition program report
- Section 5 - Student physical activity

Chair Mando asked Mr. McElwain to break down the regulation by issues that seem to be problematic as far as agreement by the various constituency groups.

Mr. McElwain said that the scope of the regulation is an issue as to whether the portion relative to the nutrition standards applies to the elementary level only or to all levels of schools. He said that staff believes it applies to all schools.

Chair Mando said he has read the statute and did not see any restriction to elementary relative to the nutrition standards. He emphasized his opinion is that it applies to all levels of schools and David Tachau concurred. The committee by consensus agreed that this is to apply to all schools relative to the nutrition standards.

At this point, Chair Mando asked Alicia Sells from the Kentucky School Boards Association to come forward to talk about her organization's viewpoint on this issue.

Ms. Sells indicated that in the history of the legislative discussion on this bill, a clear distinction existed of what applies to elementary, middle and high schools. She noted that Rocky Adkins said he would not have called the bill for a vote if he had understood that it applied to middle and high schools.

Chair Mando emphasized that the Board must look at the legislative language and cannot depend on what different legislators believe was intended. He stated that it does not make sense that the General Assembly would pass legislation to only improve health at the elementary school level.

Deputy Commissioner Kevin Noland indicated that he agreed with Jeff Mando and David Tachau that this applies to all levels of schools relative to the nutrition standards and felt that the Board must implement the law as written. Noland pointed out that in the section dealing with what the Kentucky Board of Education must do on nutrition standards, it is not limited to the elementary level. He stated that if people think the meaning is not clear, they need to go back to the General Assembly and ask for an

amendment. Noland said that the Board has discretion on the standards that are set, but not on limiting this to certain levels of schools.

At this point, Alicia Sells was allowed to finish her statements about the content of the proposed regulation. Ms. Sells emphasized that the most restrictive regulatory language available is not necessary in order to implement the legislation. In addition to the levels of schools the legislation applies to, she pointed out the following issues:

- Flexibility within the 30-minutes of physical activity that is required,
- Flexibility in the volume of beverages/types of beverages allowed in schools,
- Limitation on the amount of reporting required by schools.

Ms. Sells closed by asking that there be further review of the regulation by the interested constituencies before it comes back to the Board in August.

Chair Mando then asked for other issues that seemed to be points of contention in the regulation.

Director Paul McElwain noted that some are purporting that an adequate opportunity for input about the regulation's language was not given. He noted that local food service directors and the major constituent groups were emailed the draft regulation with a date by which to return comments. Additionally, he noted that a public hearing will be held after the Board acts on it.

Chair Mando noted now that the regulation has been shared with the Board, staff should go back to the groups to try and work out the issues before it comes back again in August. Commissioner Wilhoit emphasized that the communication with the various constituencies needs to be face to face over the next one and half months. He said that agreement will not be reached on all the issues but indicated the Board needs to be given research/data on those areas where it exists. Jeff Mando supported Wilhoit's statement by saying the Board is looking for data to justify staff's recommendations. Commissioner Wilhoit went on to say that the total weight of what is done locally on school health does not have to be contained in the regulation. He felt that some things could be carried out in other ways.

Relative to ala carte items, Director McElwain stated that he was trying to avoid confusion of what gets credited to the meal pattern and then cannot be sold as an extra item. Chair Mando indicated that he did not want to put the school food services directors in an awkward position. He stated that the language says things outside of the School Breakfast and Lunch Program and

felt as long as these programs are within federal requirements, the regulation does not need to cover these.

The next issue dealt with each school limiting access to retail fast food to one day per week. Associate Commissioner Kyna Koch noted that this may require determining whether pizza is defined as fast food. Chair Mando felt that each district needs to determine the definition of retail fast food.

Reporting requirements were the last item of discussion on the draft regulation and Chair Mando said the reporting requirements in the statute seem burdensome. Associate Commissioner Kyna Koch said there is precedence for putting the information on the school district websites for parents. David Rhodes and Janna Vice emphasized the need for these reports to not be burdensome for schools and districts. Chair Mando asked if there was a way to minimize the reports so that they are not burdensome. Director McElwain suggested they could put the information on the school report card. Mr. Mando concurred with that approach and asked staff to bring a revised regulation back to the Board in August for possible action and then the Board can decide if further revisions are required.

2004 DISTRICT AUDIT PROCESS AND PROPOSALS FOR ITS REFINEMENT

Associate Commissioner Steve Schenck and Division Director Pat Hurt came forward for this discussion. Ms. Hurt indicated that KRS 158.6455 was substantially amended during the 1998 General Assembly to, among other things, establish an accountability index to classify whether schools had met their expected levels of improvement on the statewide assessment, with 1998-2000 to serve as the basis for the individual growth lines that would be established. She continued that consequences were established for schools that failed to meet their threshold, including but not limited to the conduction of scholastic audits. Hurt noted that the Kentucky Board of Education was charged with the responsibility of promulgating administrative regulations establishing the guidelines for scholastic audits and was also given the authority to promulgate regulations establishing a system of district accountability. She said that pursuant to that authority, 703 KAR 5:120, Assistance for schools, guidelines for scholastic audits and 702 KAR 5:130, School district accountability set out the conditions that would give rise to school and district audits.

Ms. Hurt went on to say that the district audit process was created immediately after the school level process in the summer of 1999, when the regulations for both were submitted for approval by the Kentucky Board of Education. She noted that the draft district audit instrument was put in districts' hands in 2001, with 2004 being the earliest that a district audit could be conducted. Hurt emphasized that districts really had two years of advanced notice before the possibility of a district audit occurring. She indicated that to this point in time, eight district audits have been conducted with five of them being voluntary.

Associate Commissioner Steve Schenck commented that after the first official district audit, a list of proposed improvements are being presented to the Board on pages 316-317 of the Agenda Book. These improvements were as follows:

- Executive Summary – In order to make the most important messages obvious and easily accessible to professionals and lay people alike, each report would be introduced by an executive summary.
- Progress Tracking Grid – After the delivery of each report, more needs to be done to track progress and personnel would be designated to do follow-up.
- Monitoring – The audit was triggered by two schools and the real target is to improve education there for those students. The district-specific support plans need to be scrutinized closely by Department staff and monitored on a regular basis.
- District Audit Instrument – The instrument needs to be refocused around the weaknesses in the schools being audited and should center on key district functions and leverage points.
- Possible Additional Changes – Staff is discussing the audit with Jefferson County to see if other changes need to be made in the instrument or the process.

Pat Hurt noted that in looking at the district audit instrument used in Jefferson County, standards and indicators are things that successful schools have in common. She stated that the district audit is not a voluntary one and perhaps the indicators need to be refined and instead look at what things the district has the responsibility to do in the schools.

Bonnie Lash Freeman reported that she attended the meeting where the report was presented and has not seen anything the local board is going to do to address the problems in the two schools. She felt the audit did not send up a flare about the issues that need attention in these two schools.

Associate Commissioner Steve Schenck noted that he has already asked to go back to the local school board and get a status report on how they are addressing the audit findings.

Bonnie Lash Freeman continued that school board members need to feel a sense of urgency about the audit findings and said that the Jefferson County meeting did not convey this.

Helen Mountjoy commented that the focus has to be on individual student learning.

David Tachau then stated that people need to understand that the district audit is on a continuum moving toward serious sanctions. He stressed that this needs to be made clear to the district and the community along with the fact that the condition of the schools is not acceptable. Tachau said the Board should use its position to say to the district that it is not doing the right things relative to improvement in these schools. He stated the one

fundamental issue that exists is why the district is tolerating Level 3 schools year after year.

Dorie Combs suggested that the report should come from the Commissioner and the Board and not the district audit team. She also thought that a requirement for follow-up needs to go with the report from the Commissioner and the Board.

Hilma Prather then asked if there is anything that prevents the Board from reviewing the progress of these schools and staff indicated nothing exists to prevent this.

Dorie Combs commented that she would appreciate when these audits are done in a Board member's district that the Board member at least sees the executive summary.

David Webb pointed out that when school districts have financial problems, they are put on a watch list. David Tachau thought that staff could take what has been learned from the financial watch list program and produce an academic watch list.

Commissioner Wilhoit said that he would like to continue to work with staff on the district audit instrument and bring it back to the Board at a future meeting.

HEARING OFFICER'S REPORT

Deputy Commissioner Kevin Noland indicated that at the April 12th Administrative Regulation Review Subcommittee meeting, all three Kentucky Board of Education regulations that were approved in February were passed. He continued that for the February 25th public hearing, no comments were received and thus, it was cancelled.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

Jeff Mando moved approval of the following action/consent items:

- District Facility Plans
- District Facility Plan Amendments
- Certification of non-public schools
- Non-public preschool and kindergarten voluntary recognition process
- Appointments to the State Textbook Commission

Dorie Combs seconded the motion and it carried.

MANAGEMENT COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS

Management Committee Chair Jeff Mando reported on the following items:

- Certified school district eligibility to participate in the Urgent Needs Trust Fund (for facilities) to the School Facilities Construction Commission (SFCC) – Chair Mando said the Management Committee recommends and he so moved approval of the school districts submitted for eligibility to participate in the Urgent Needs Trust Fund. The Board concurred with the recommendation.
- Kentucky Education Technology System (KETS) FY06 Unmet Need for LEAs – Committee Chair Mando, on behalf of his committee, moved approval of the KETS FY06 Unmet Need. The Board concurred with the motion.
- 702 KAR 5:080, Bus driver qualifications, responsibilities and training (Final) – Mr. Mando, on behalf of the Management Committee, moved final approval of 702 KAR 5:080 with one amendment on page 241 of the Agenda Book where the word ‘one’ was changed ‘a person’. The Board concurred with final approval of the regulation.
- Kentucky High School Athletic Association (KHSAA) Board of Control Appointment – Chair Mando, on behalf of the Management Committee, moved the approval of the appointment of Dr. Stephen Parker to the KHSAA Board of Control. The Board concurred with the motion.

ASSESSMENT COMMITTEE REPORT ON ACTION/DISCUSSION ITEMS

Chair Hilma Prather indicated that four possible changes to assessment and accountability regulations came before her committee for consideration with three of the possible changes affecting Adequate Yearly Progress determinations. The proposals included changing the notification date for reconfiguration of schools, changing to a multi-year average for calculating participate rate, changing to a multi-year average for calculating annual measurable objectives and changing the other academic indicator for elementary and middle schools from the accountability index to using the CATS biennial classification and CATS midpoint classification, plus new language to include LSAC’s recommendation of the growth component in determining Adequate Yearly Progress. She referred to a handout titled “Revision to Proposal 4, KDE, June 9, 2005” and noted that the language reads “. . . the school had a school classification of any category of progressing or meets goal in the CATS biennial or midpoint classification, whichever occurred more recently, at the elementary and middle school accountability levels; or for a school in the assistance category which demonstrates growth in the accountability index at or above the state average for the specific grade level configuration as defined in 703 KAR 5:001; . . .”. At this point Chair Prather moved final approval of amendments to 703 KAR 5:001, 703 KAR 5:020, and 703 KAR 5:130 to include the new language for the other academic indicator that was submitted to the Board today. The Board concurred with the motion.

INTERNAL BOARD BUSINESS

Chair Keith Travis indicated there were several items of internal board business on which the Board must act or give input as follows:

- The Board reviewed a list of meeting dates for 2005, 2006 and 2007 as amended per the discussion at the Board's retreat. Bonnie Lash Freeman moved to accept the amended list of dates and Jeff Mando seconded the motion. The motion carried.
- The Board reviewed the changes to its policy manual that were requested at the May retreat. Jeff Mando moved approval of the amendments and David Rhodes seconded the motion. The motion carried.
- David Tachau clarified that the annual evaluation tool reviewed at the May retreat was amended with suggestions from Board members and noted that it is an internal document for the personal use of Board members. Therefore, he said no approval was necessary.
- Relative to voting for NASBE officers, David Rhodes moved to vote for Jennifer Stewart from Ohio as President-Elect, Robert Lazard from Indiana as Secretary-Treasurer, and Dunbar Brooks from Maryland as Southern Area Director. Janice Allen seconded the motion and it carried.
- On the NASBE dues, Hilma Prather moved to pay the NASBE dues without the option of putting money in an account for professional development. Janice Allen seconded the motion and it carried.
- Chair Travis reminded members that the Board's appointments to the Pre-K to 16 Council are Dorie Combs, Chair; Bonnie Lash Freeman and David Rhodes. He noted that the two people from the Board that would be reviewing the RFP to make sure it reflects the Board's guidance would be Bonnie Lash Freeman and Hilma Prather. Travis indicated that the nominating committee would bring back a slate of officers at the August meeting and explained that the new committee structure will wait until October to be implemented.
- Commissioner Wilhoit brought forth an item on Floyd County indicating that the district now wants to be released from state assistance. He said that the Department concurs with the request and noted this will not require Board action since the agreement has expired. He went on to say that the district has made progress even though it is not where it needs to be; however, he noted that it has greatly improved.

LITIGATION REPORT

Helen Mountjoy moved to go into closed session for the purpose of discussing litigation and David Tachau seconded the motion. The motion carried.

David Rhodes then moved to come out of closed session and Hilma Prather seconded the motion. The motion carried. No action was taken during the closed session.

ADJOURNMENT

A motion and second were made to adjourn the meeting and it carried.